

California Agricultural Commissioners and Sealers
Association

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Department of Fish and Game

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Department of Pesticide Regulation

Pesticide/Wildlife Incident Response Plan

April 2000

Table of Contents

Pesticide/Wildlife Incident Response Plan

CHAPTER 1 – Pesticide/Wildlife Incident Response Plan

- Overview 1-1
- Role of the County Agricultural Commissioner 1-2
- Role of the Department of Fish and Game 1-3
- Role of the Department of Pesticide Regulation 1-4

CHAPTER 2 – Notification Procedures

- Overview 2-1
 - Department of Fish and Game Procedures to Follow
For the Initial Report of Loss 2-2
 - County Agricultural Commissioners/Department of Pesticide Regulation
Procedures to Follow For the Initial Report of Loss 2-3

CHAPTER 3 – Contacts

- Overview 3-1
- County Agricultural Commissioner Offices 3-1
- Department of Fish and Game 3-2
- Department of Pesticide Regulation 3-3

ATTACHMENT

- Overview A-1
- Memorandum of Understanding Between the Department of Fish and Game,
The Department of Pesticide Regulation, and the California Agricultural
Commissioners and Sealers Association A-2

GLOSSARY OF TERMS G-1

PESTICIDE/WILDLIFE INCIDENT RESPONSE PLAN AGREEMENT AA-1

Chapter 1

Pesticide/Wildlife Incident Response Plan

Overview

Purpose	The Pesticide/Wildlife Incident Response Plan (PWIRP) is designed to foster greater communication, cooperation, and coordination of joint responsibilities resulting from incidents associated with pesticide use and wildlife.
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Background	This PWIRP is the result of a 1995 Memorandum of Understanding between the California Agricultural Commissioners and Sealers Association, the Department of Fish and Game, and the Department of Pesticide Regulation.
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Scope	The PWIRP outlines procedures and guidelines for the California Agricultural Commissioners and Sealers Association, Department of Fish and Game, and the Department of Pesticide Regulation when responding to incidents involving non-target fish and wildlife resources [wildlife (Fish and Game Code Section 711.2)].
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Roles of the various agencies	The roles of the county agricultural commissioner, Department of Fish and Game, and the Department of Pesticide Regulation are discussed below.
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Topic	See Page
Role of the County Agricultural Commissioner	1-2
Role of the Department of Fish and Game	1-3
Role of the Department of Pesticide Regulation	1-4

Continued on next page

Pesticide/Wildlife Incident Response Plan, Continued

Role of the county agricultural commissioners

Local administration of the Department of Pesticide Regulation's (DPR's) pesticide regulatory program is the responsibility of the county agricultural commissioner (commissioner), with coordination and training provided by DPR. The commissioner has the responsibility and authority to:

- Enforce pesticide laws and regulations;
- Evaluate permit requests for the use of pesticides;
- Monitor and inspect pesticide handling and use operations;
- Investigate suspected pesticide misuse, episodes that may involve potential or actual human illness or injury, property damage, loss, or contamination;
- Take enforcement action against violators; and
- Investigate fish or wildlife kills alleged to be the result of the use or presence of a pesticide.

Commissioners determine the level of compliance with laws and regulations governing pesticide use and take appropriate enforcement action whenever necessary to ensure compliance. The commissioner works in cooperation with the Department of Fish and Game (DFG), DPR, and other agencies involved in carrying out these investigations.

Continued on next page

Pesticide/Wildlife Incident Response Plan, Continued

Role of the Department of Fish and Game

The Department of Fish and Game (DFG) has two roles:

1. Wardens from the seven DFG regions enforce the statutes and regulations of the Fish and Game Code and the California Code of Regulations, Title 14, to protect the fish and wildlife resources of the State of California.
2. The Pesticide Investigations Unit provides assistance to DFG Regional wardens, commissioners' staff, and DPR staff in the investigation of pesticide-related fish and wildlife losses.

Assistance of the Pesticide Investigations Unit may include:

- Developing training programs for sample collection procedures;
- Collecting samples from the site of an incident;
- Performing necropsies and excision of tissue samples for pesticide residue analysis;
- Conducting toxicity tests and chemical analyses;
- Interpreting and providing written reports on sample analysis results; and
- Developing pesticide use mitigation strategies to protect non-target fish and wildlife from exposure to pesticides.

Continued on next page

Pesticide/Wildlife Incident Response Plan, Continued

Role of the Department of Pesticide Regulation

The Department of Pesticide Regulation (DPR) is the lead agency for pesticide regulation in California. DPR regulates the registration, sale, and use of pesticides, in order to protect the public health and the environment pursuant to the Food and Agricultural Code.

The Director of DPR (Director) is responsible for enforcing Food and Agricultural Code Division 6 (Pest Control Operations), specific portions of Division 7 (Agricultural Chemicals), and specific portions of the California Code of Regulations, Title 3. One of the purposes of the Food and Agricultural Code is to protect the environment from harmful pesticides by prohibiting, regulating, or controlling their uses.

- The Director is required to consider the effect of all pesticides upon the environment and take whatever steps are deemed necessary to protect the environment.
 - The Director shall consult with representatives from several agencies, including DFG, for fish and wildlife resources in establishing criteria or regulations relating to environmental injury and protection resulting from pesticide use.
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Chapter 2

Notification Procedures

Overview

Introduction The following sections contain the notification procedures between the Department of Fish and Game (DFG) and the County Agricultural Commissioners (Commissioners)/Department of Pesticide Regulation (DPR).

In these procedures The notification procedures contain the following topics.

Topic	See Page
Department of Fish and Game Procedures to Follow for the Initial Report of Loss	2-2
County Agricultural Commissioners/Department of Pesticide Regulation Procedures to Follow for the Initial Report of Loss	2-3

Comment Whenever possible, representatives of all agencies work cooperatively on investigating the loss and keeping all parties notified of information obtained and divulged. It is imperative that the local DFG warden and the commissioner communicate directly on the investigation of fish and wildlife losses suspected from pesticide or other agricultural chemical usage.

A final summary report is to be prepared by the DFG's, Pesticide Investigations Unit, in consultation with the DFG warden, commissioner, and DPR's Pesticide Enforcement Branch.

The final summary report is sent to the:

1. DFG Regional Warden;
 2. Commissioner; and
 3. DPR's Pesticide Enforcement Branch.
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Department of Fish and Game Procedures to Follow for the Initial Report of Loss

Introduction	This section contains the notification procedures for the DFG to follow.
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Telephone report	The DFG warden (or other employee) will directly notify the commissioner of the county where the loss occurred.
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The DFG warden will also notify their Pesticide Investigations Unit that will, in turn, provide consultation on sample collection and transportation related to the investigation.

Written report	The warden's "Initial Fish and Wildlife Loss Report" is sent to DFG's regional office. A copy of the report is also sent to the commissioner and DFG's Pesticide Investigations Unit.
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County Agricultural Commissioners/Department of Pesticide Regulation Procedures to Follow for the Initial Report of Loss

Introduction	This section contains the notification procedures for the Commissioners/DPR to follow.
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Telephone report	The commissioner (or DPR employee) will directly notify the local office of the DFG warden (where the incident occurred). In the event the warden is unavailable, contact DFG's regional office or the Office of Spill Prevention and Response, CalTIP (Central Dispatch) telephone number, 1-888-334-2258 (1-888-DFG-CALTIP).
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- If the commissioner's office receives the initial notification, they will immediately contact DPR's regional office; if DPR receives the initial notification, they will immediately contact the local commissioner where the incident occurred.
 - The warden or other appropriate Fish and Wildlife personnel will notify DFG's regional office and the Pesticide Investigations Unit.
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Written report	The commissioner will forward a written report to the DFG warden or DFG's regional office, or DPR's local regional office, if requested.
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Chapter 3

Contacts

Overview

Introduction Attached is a list of contacts for the County Agricultural Commissioner Offices, Department of Fish and Game, and the Department of Pesticide Regulation.

Attachments Attached are the contacts for the agencies involved.

Agency	See Section
County Agricultural Commissioner Offices	3-1
Department of Fish and Game	3-2
Department of Pesticide Regulation	3-3

COUNTY AGRICULTURAL COMMISSIONERS

<u>COUNTY</u>	<u>COMMISSIONER</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>FAX</u>
Alameda	Earl Whitaker	224 W. Winton Ave., Rm. 184 Hayward, 94544 HOURS: M-F, 8:30-4:30	(510) 670-5232	783-3928
Amador	Mike Boitano	12200 Airport Road Jackson, CA 95642-9527 HOURS: M-F, 8:00-5:00	(209) 223-6487	223-3312
Butte	Richard Price	316 Nelson Ave. Oroville, 95965 - 3318 HOURS: M-TH, 8:00-5:00	(530) 538-7381	538-7594
Calaveras	Jearl Howard	891 Mountain Ranch Road Government Center San Andreas, 95249 - 9709 HOURS: M-F, 8:00-5:00	(209) 754-6504	754-6521
Colusa	Harry A. Krug	100 Sunrise Blvd., Suite F Colusa, 95932 - 1029 HOURS: M-F, 8:30-5:00	(530) 458-0580	458-5000
Contra Costa	Ed Meyer	2366 A. Stanwell Circle Concord, 94520 - 4804 HOURS: M-F, 8:00-5:00	(925) 646-5250	646-5732
Del Norte	Glenn Anderson	2650 Washington Blvd. Crescent City, 95531 - 8627 HOURS: M-F, 9:00-12:00 1:00- 5:00	(707) 464-7235, or (707) 464-7231	465-6044
El Dorado/ Alpine	Bill Snodgrass	311 Fair Lane Placerville, 95667 - 4195 HOURS: M-F, 8:00-5:00	(530) 621-5520	626-4756
Fresno	Jerry Prieto, Jr.	1730 S. Maple Avenue Fresno, 93702 - 4596 HOURS: M-F, 8:00-5:00	(559) 456-7510	456-7379
Glenn	Ed Romano	720 N. Colusa Street P.O. Box 351 Willows, 95988 HOURS: M-F, 8:00-5:00	(530) 934-6501	934-6503
Humboldt	John Falkenstrom	5630 S. Broadway Eureka, 95503 - 6998 HOURS: M-F, 8:00-12:00 1:00- 5:00	(707) 445-7223	445-7220
Imperial	Stephen L. Birdsall	150 South 9th Street El Centro, 92243 - 2850 HOURS: 8:00-5:00	(760) 339-4314	353-9420, or 353-2561

COUNTY	COMMISSIONER	ADDRESS	TELEPHONE	FAX
Inyo/Mono	George Milovich	County Services Building 207 W. South Street Bishop, 93514 - 3492 HOURS: M-F, 8:00-4:00	(760) 873-7860	872-1610
Kern	Ted Davis	1001 S. Mt. Vernon Avenue Bakersfield, 93307 - 2857 HOURS: M-F, 8:00-5:00	(661) 868-6300	868-6301
Kings	Dennis Bray	680 N. Campus Drive, Suite B Hanford, 93230 - 5923 HOURS: M-F, 8:00-5:00	(559) 582-3211 EXT. 2830	582-5251
Lake	Mark Lockhart	883 Lakeport Blvd. Lakeport, 95453 HOURS: M-F, 8:00-5:00	(707) 263-0217	263-1052
Lassen	Kenneth R. Smith	175 Russell Avenue Susanville, 96130 - 4299 HOURS: M-F, 8:00-5:00	(530) 251-8110	257-6515
Los Angeles	Cato Fiksdal	12300 Lower Azusa Road Arcadia, 91006 HOURS: M-TH, 7:00-5:30/After hours, call: (213) 974-1234	(626) 575-5451	350-3243
Madera	Robert Rolan	332 Madera Avenue Madera, 93637 - 5499 HOURS: M-F, 8:00-5:00	(559) 675-7876	674-4071
Marin	Stacy Carlsen	1682 Novato Blvd., 150-A Novato, 94947 - 7021 HOURS: M-F, 9:00-3:00	(415) 499-6700	499-7543
Mariposa	Donald O. Cripe	5009 Fairgrounds Road P.O. Box 905 Mariposa, 95338 - 0905 HOURS: M-F, 8:00-5:00	(209) 966-2075	966-2056
Mendocino	Dave Bengston	579 Low Gap Road Ukiah, 95482 - 3745 HOURS: M-F, 8:00-5:00	(707) 463-4208	463-0240
Merced	Michael J. Tanner	2139 Wardrobe Avenue Merced, 95340 - 6495 HOURS: M-F, 8:00-5:00	(209) 385-7431	725-3536
Modoc	Joe Moreo	202 West 4th Street Alturas, 96101 - 3915 HOURS: M-F, 8:30-5:00	(530) 233-6401	233-5542
Monterey	Eric Lauritzen	1428 Abbott Street Salinas, 93901 HOURS: M-F, 8:00-5:00	(831) 759-7325	422-5003
Napa	David Whitmer	1710 Soscol Avenue, Suite 3 Napa, 94559 - 1315 HOURS: M-F, 8:00-5:00	(707) 253-4357	253-4881

<u>COUNTY</u>	<u>COMMISSIONER</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>FAX</u>
Nevada	Paul Boch	255 S. Auburn Street Grass Valley, 95945 - 7289 HOURS: M-F, 8:00-5:00	(530) 273-2648	273-1713
Orange	Rick Le Feuvre	10852 Douglass Rd., Bldg. D Anaheim, 92806 - 6050 HOURS: M-F, 7:00-5:00	(714) 447-7100	774-2741
Placer	Christine Turner	11477 E Avenue Auburn, 95603 - 2799 HOURS: M-F, 8:00-5:00	(530) 889-7372	823-1698
Plumas/Sierra	Karl Bishop	208 Fairgrounds Road Quincy, 95971 - 9462 HOURS: M-F, 8:00-5:00	(530) 283-6365	283-4210
Riverside	James O. Wallace	4080 Lemon St., Rm. 19 P.O. Box 1089 Riverside, 92502 - 1089 HOURS: M-F, 8:00-5:00 (Closed every other Friday)	(909) 955-3000	955-3012
Sacramento	Frank E. Carl	4137 Branch Center Road Sacramento, 95827 - 3897 HOURS: M-F, 7:30-4:30	(916) 875-6603	875-6150
San Benito	Mark Tognazzini	3224 Southside Road P.O. Box 699 Hollister, 95024 HOURS: M-F, 8:00-5:00	(831) 637-5344	637-9015
San Bernardino	Edouard P. Layaye	777 E. Rialto Avenue San Bernardino, 92415 - 0720 HOURS: M-F, 7:30-5:00	(909) 387-2115	387-2449
San Diego	Kathleen Thuner	5555 Overland Ave., Bldg. 3 San Diego, 92123 - 1292 HOURS: M-F, 8:00-5:00	(858) 694-2741 or (858) 694-2739	565-7046
San Francisco	Dave Frieders	501 Ceasar Chavez Street Suite 109-A San Francisco, 94124 - 1209 HOURS: M-F, 8:00-5:00	(415) 285-5010	285-8776
San Joaquin	Scott T. Hudson	1868 E. Hazelton Avenue P.O. Box 1809 Stockton, 95201 - 1809 HOURS: M-F, 8:00-5:00	(209) 468-3300	468-3330
San Luis Obispo	Richard Greek	2156 Sierra Way, Suite A San Luis Obispo, 93401 - 4556 HOURS: M-F, 8:00-5:00	(805) 781-5910	781-1035
San Mateo	Gail M. Raabe	728 Heller Street P.O. Box 999 Redwood City, 94064 - 0999 HOURS: M-F, 8:00-5:00	(650) 363-4700	367-0130

<u>COUNTY</u>	<u>COMMISSIONER</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>FAX</u>
Santa Barbara	William D. Gillette	263 Camino Del Remedio Santa Barbara, 93110 - 1335 HOURS: M-F, 8:00-4:30	(805) 681-5600	681-5603
Santa Clara	Greg Van Wassenhove	1553 Berger Dr., Bldg. 1 San Jose, 95112 - 2795 HOURS: M-F, 8:00-5:00	(408) 299-2172	286-2460
Santa Cruz	David Moeller	175 Westridge Drive Watsonville, 95076 - 2797 HOURS: M-F, 8:00-5:00	(831) 763-8080	763-8234
Shasta	Mary Pfeiffer	3179 Bechelli Lane, Suite 210 Redding, 96002 - 2041 HOURS: M-F, 8:00-5:00	(530) 224-4949	224-4951
Siskiyou	William Stephans	525 S. Foothill Drive Yreka, 96097 - 3090 HOURS: M-F, 8:00-5:00	(530) 841-4025	842-6690
Solano	Susan Cohen	501 Texas Street Fairfield, 94533 HOURS: M-F, 8:30-5:00	(707) 421-7465	429-0827
Sonoma	John Westoby	2604 Ventura Ave., Rm. 101 Santa Rosa, 95403 - 2893 HOURS: M-F, 8:00-5:00	(707) 565-2371	565-3850
Stanislaus	Donald O. Cripe	3800 Cornucopia Way, Suite B Modesto, 95358 HOURS: M-F, 8:00-4:30	(209) 525-4730	525-4789
Sutter	Mark P. Quisenberry	142 Garden Highway Yuba City, 95991 - 5512 HOURS: M-F, 8:00-5:00	(530) 822-7500	822-7510
Tehama	Mark Black	1760 Walnut Street P.O. Box 38 Red Bluff, 96080 HOURS: M-F, 9:00-12:00 1:00-4:00	(530) 527-4504	529-1049
Trinity	Jay Thesken	Civil Defense Hall Box 1466 Weaverville, 96093 - 1466 HOURS: M-F, 8:00-12:00 1:00-5:00	(530) 623-1356	623-1391
Tulare	Lenord Craft, Jr.	2500 W. Burrel Avenue Visalia, 93291 - 4584 HOURS: M-F, 8:00-5:00	(559) 733-6391	625-0622
Tuolumne	Gerald A. Benincasa	22365 S. Airport Rd., Columbia 2 S. Green Street (Mail) Sonora, 95370 - 4617 HOURS: M-F, 8:00-5:00	(209) 533-5691	533-5520

<u>COUNTY</u>	<u>COMMISSIONER</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>FAX</u>
Ventura	W. Earl McPhail	815 East Santa Barbara St. P.O. Box 889 Santa Paula 93061 - 0889 HOURS: M-TH, 6:30-3:00	(805) 933-8415 or (805) 647-5931	525-8922
Yolo	Scott T. Paulsen	70 Cottonwood Street Woodland, 95695 - 2593 HOURS: M-F, 7:00-4:00	(530) 666-8140	662-6094
Yuba	Dennis Pooler	938 14th Street Marysville, 95901 HOURS: M-F, 7:00-6:00	(530) 741-6484	743-4442

State of California
 Department of Pesticide Regulation
 Pesticide Enforcement Branch
 Headquarters, Regional and Satellite Offices

Sacramento Headquarters

830 K Street, Room 401
 Sacramento, CA 95814-3510
 David Duncan, Acting Branch Chief
 (916) 445-3920
 FAX - (916) 445-3907



I. Northern Regional Office (NRO)

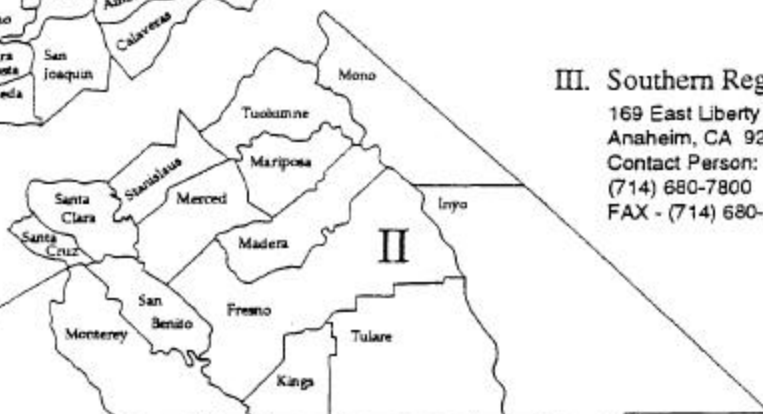
3050 Beacon Blvd., Suite 103
 West Sacramento, CA 95691-3474
 Contact Person: George Brady
 (916) 372-6892
 FAX - (916) 372-6939

II. Central Regional Office (CRO)

2895 North Larkin Ave., Suite B
 Fresno, CA 93727
 Contact Person: Al Lomeli
 (559) 445-5401
 FAX - (559) 445-6805

III. Southern Regional Office (SRO)

169 East Liberty Ave.
 Anaheim, CA 92801
 Contact Person: Kathleen Boyle
 (714) 680-7800
 FAX - (714) 680-7906



Watsonville Satellite Office
 Contact Person: Karen Stahman
 (831) 724-9252
 FAX - (831) 724-6935

Bakersfield Satellite Office
 Contact Person: Mario Ibarra
 (661) 665-2060

Ventura Satellite Office
 Contact Person: (TEMPORARY) Kathleen Boyle
 (714) 680-7800
 FAX - (714) 680-7906



California Department of Fish and Game

State Headquarters

★ **Resources Building**
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
(916) 653-7664

Regional Headquarters

★ **Northern California - North Coast Region**
601 Locust Street
Redding, CA 96001
(530) 225-2300

★ **Sacramento Valley - Central Sierra Region**
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900

★ **Central Coast Region** **Mailing Address:**
7329 Silverado Trail P. O. Box 47
Napa, CA 94558 Yountville, CA 94599
(707) 944-3500

★ **San Joaquin Valley - Southern Sierra Region**
1234 E. Shaw Avenue
Fresno, CA 93710
(559) 243-4005

★ **South Coast Region**
4949 Viewridge Avenue
San Diego, CA 92123
(619) 467-4201

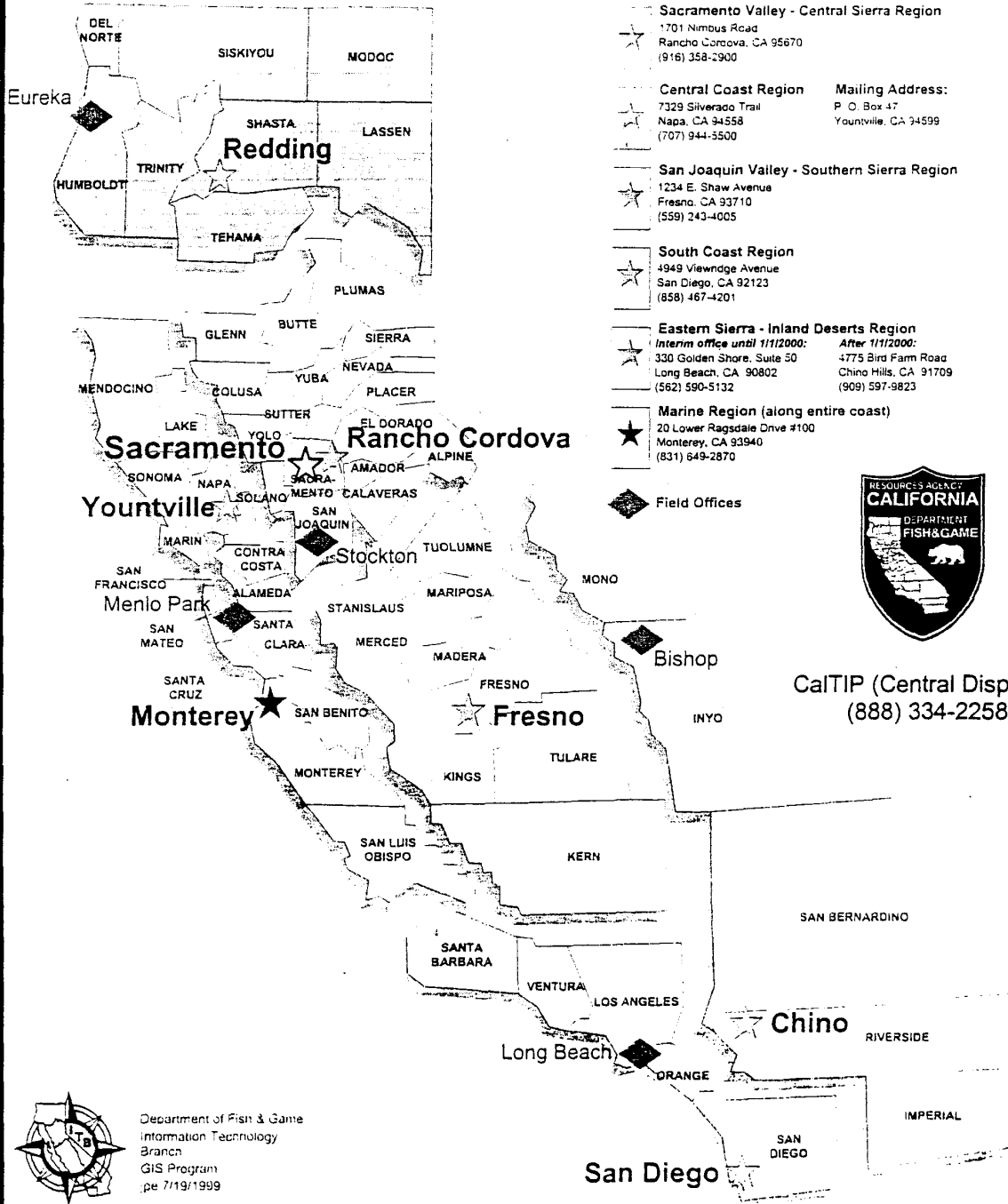
★ **Eastern Sierra - Inland Deserts Region**
Interim office until 11/1/2000: *After 11/1/2000:*
330 Golden Shore, Suite 50 4775 Bird Farm Road
Long Beach, CA 90802 Chino Hills, CA 91709
(562) 590-5132 (909) 597-9823

★ **Marine Region (along entire coast)**
20 Lower Ragsdale Drive #100
Monterey, CA 93940
(831) 649-2870

◆ **Field Offices**



CalTIP (Central Dispatch)
(888) 334-2258



Department of Fish & Game
Information Technology
Branch
GIS Program
pe 7/19/1999

Memorandum of Understanding Between the Department of Fish and Game, the Department of Pesticide Regulation, and the California Agricultural Commissioners and Sealers Association

Overview

Purpose

To ensure that pesticides registered in California are used in a manner that protects non-target fish and wildlife resources while recognizing the need for pest control.

Attachment

The Memorandum of Understanding is attached for review.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DEPARTMENT OF FISH AND GAME,
THE DEPARTMENT OF PESTICIDE REGULATION, AND
THE CALIFORNIA AGRICULTURAL COMMISSIONERS AND
SEALERS ASSOCIATION

BACKGROUND

The Department of Fish and Game (DFG), the Department of Pesticide Regulation (DPR), and the County Agricultural Commissioners (CACs) have responsibilities relating to the protection of fish and wildlife resources and the protection of the environment from the potentially adverse effects of pesticides. The three parties believe that the State will benefit by a unified and cooperative program to assure the protection of fish and wildlife and the environment related to the use of pesticides.

The purpose of this Memorandum of Understanding (MOU) between DFG, DPR, and the California Agricultural Commissioners and Sealers Association (CACASA) is to ensure that pesticides registered in California are used in a manner that protects non-target fish and wildlife resources while recognizing the need for pest control.

SCOPE

This MOU is intended to assure that the respective authorities of DFG, DPR, and CACs relative to the protection of fish and wildlife resources from the potential adverse impacts of pesticides will be exercised in a coordinated and cohesive manner designed to eliminate overlap of activities, duplication of effort, and inconsistency of action to the benefit of the public, regulated industry, DFG, DPR, and CACs. To that end, this MOU establishes principles of agreement regarding activities of the signatory parties, identifies primary areas of responsibility and authority between the departments, provides methods and mechanisms necessary to assure ongoing coordination of activities relative to such purposes, and outlines a process for the resolution of interagency conflicts. This MOU also describes how the agencies will work cooperatively to achieve the goals of the respective departments.

STATUTORY AUTHORITIES

The DFG is the lead agency for protecting, conserving, and perpetuating fish and wildlife resources in California. The DFG manages all fish, wildlife, and plant resources and the habitats upon which they depend for their ecological values and their use and enjoyment by the public. Sections 1301, 1600, 1700, 1802, 1900, and 2701 of the Fish and Game Code (FGC) list specific authorities and policies associated with the management of fish and wildlife resources in California by DFG, including threatened and endangered species of fish, wildlife, and plants.

DPR is the lead agency for pesticide regulation in California. The Food and Agricultural Code (FAC), as amended by the 1991 Governor's Reorganization Plan No. 1, charges DPR with the responsibility of regulating pesticides for the protection of public health and the environment. Divisions 6 and 7 of the FAC are the statutory authority for regulating the registration, sale, and use of pesticides. The Director of DPR is responsible for enforcing Division 6 and specified portions of Division 7, and the regulations which are issued pursuant to them. FAC Section 11501 states that one of the purposes of Division 6 (Pest Control Operations) and Chapters 1-3.5 of Division 7 (Agricultural Chemicals) is to protect the environment from harmful pesticides by prohibiting, regulating, or controlling their uses. Section 14102 FAC requires that the Director consider the effect of all pesticides upon the environment and take whatever steps are deemed necessary to protect the environment. Section 14103 FAC states that in establishing criteria or regulations relating to environmental injury and protection the Director shall consult with representatives from several agencies, including DFG for fish and wildlife resources.

The local administration of DPR's pesticide regulatory program is the responsibility of the CACs with coordination and training provided by DPR. The CACs enforce pesticide laws and regulations and evaluate permit requests for the use of restricted pesticides. In addition, the CACs monitor and inspect pesticide handling and use operations, investigate suspected pesticide misuse, and take enforcement action against violators.

PRINCIPLES OF AGREEMENT

The DFG, DPR, and the CACASA agree that the use of certain pesticides may present a hazard to non-target fish and wildlife resources. In order to provide for better protection of fish and wildlife resources, DFG, DPR, and the CACASA mutually agree to:

- ✓ 1. Implement a formal notification system of pesticide incident monitoring to ensure mutual awareness of injuries and deaths of non-target fish and wildlife resources attributable to pesticides and suspected violations of pesticide laws or regulations. Establish formal procedures for coordinating investigations of incidents involving the injury or death of non-target fish and wildlife resources. Coordinate enforcement actions when violations are found. Coordinate any laboratory analyses necessary for the investigation of injuries and deaths of non-target fish and wildlife resources.
2. Promote both technical and policy consultations concerning fish and wildlife resources issues and investigations involving pesticides through formal channels, such as the Pesticide Advisory Committee, the Pesticide Registration and Evaluation Committee, the Endangered Species Advisory Group, and meetings, as well as through informal staff exchanges of information. The agencies will provide technical assistance to each other upon request. Share information on pesticide

formulations and environmental fate and toxicity of pesticide active ingredients, inert ingredients, and breakdown products.

- A. A procedure will be established under which DPR will notify DFG of applications for registration of new products and notices of proposed and final registration decisions. A procedure will be established under which DPR will provide DFG with access to data and information on file with DPR. Procedures will be established to protect proprietary information.
- B. A procedure will be established under which DFG will provide DPR with any information they receive or develop on potential adverse effects of pesticides proposed for registration or currently registered pesticides. DPR will review any such information and respond appropriately as outlined in FAC Sections 12825 and 12826, and in CCR Title 3 Sections 6220 and 6221.
3. For purposes of enforcing FGC Section 5650, the use of an economic poison, as defined in FAC Section 12753, will not be considered a substance or material deleterious to fish, plant life, or bird life provided that the pesticide is used in full compliance with the label and any requirements established by the DPR or a CAC in the county where the application occurred.
4. DPR, in consultation with the Pesticide Investigations Unit of DFG, will:
 - A. Identify and regulate the use of economic poisons which may prove deleterious to non-target fish, plant life, or bird life when applied near or into waters of this state;
 - B. Identify mitigation measures for pesticide uses which are found to be deleterious to non-target fish and wildlife resources which will be published and distributed to the CACs as best management practices (BMP) or incorporated into regulation; and
 - C. Review any significant losses or detrimental effects to non-target fish and wildlife resources which may still arise from the use of these economic poisons and revise the mitigation program as necessary.
5. Develop an implementation plan to describe in detail procedures to implement specific sections of this MOU.

DISPUTE AND CONFLICT RESOLUTION

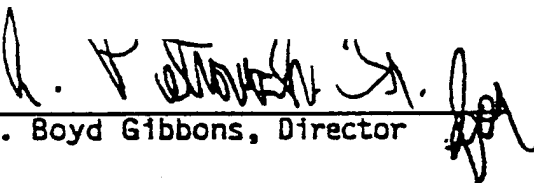
It is the desire of the parties to establish a speedy, efficient, and informal method for the resolution of interagency conflicts. Conflicts between DFG, DPR, and CACs which cannot otherwise be informally resolved

will be referred to the Director of DFG, the Director of DPR, and the president of the CACASA.

To assist the parties in resolving conflicts, one staff person will be appointed each by the Director of DFG, the Director of DPR, and the president of CACASA representing the interests of the signatories of this MOU.

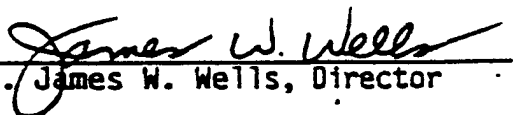
This MOU shall become effective upon the date of final signature and shall continue in effect until modified by the mutual written consent of the parties or until terminated by any party upon a 30-day advance written notice to the other parties.

DEPARTMENT OF FISH AND GAME


Mr. Boyd Gibbons, Director

12/21/94
Date

DEPARTMENT OF PESTICIDE REGULATION


Mr. James W. Wells, Director

12/9/94
Date

CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS ASSOCIATION


Mr. Gerald A. Benincasa, President

1/26/95
Date

Glossary of Terms

Agricultural use

The use of any pesticide or method or device for the control of plant or animal pests, or any other pests, or the use of any pesticide for the regulation of plant growth or defoliation of plants.

Agricultural use excludes the sale or use of pesticides in properly labeled packages or containers that are intended for any of the following:

1. Home use.
2. Use in structural pest control.
3. Industrial or institutional use.
4. The control of an animal pest under the written prescription of a veterinarian.
5. Local districts or other public agencies that have entered into and operate under a cooperative agreement with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code, provided that any exemption under this subdivision is subject to the approval of the director of the Department of Pesticide Regulation as being required to carry out the purposes of Division 6 (Pest Control Operations).

Episode

Any event involving a pesticide that results in death (take) or injury to wildlife.

Incident

(See Episode.)

Person

Any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies of those entities.

Pest

Any of the following that is, or is liable to become dangerous or detrimental to the agricultural or nonagricultural environment to the state:

1. Any insect, predatory animal, rodent, nematode, or weed.
2. Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).
3. Anything that the Director of the Department of Pesticide Regulation, by regulation, declares to be a pest.

Continued on next page

Glossary of Terms, Continued

Pest Control The use or application of any pesticide. It also means the use of any substance, method, or device to do any of the following:

1. Control pests.
2. Prevent, destroy, repel, mitigate, or correct any pest infestation or disorder of plants.
3. Inhibit, regulate, stimulate, or otherwise alter plant growth by direct application to plants.

Pesticide Includes any of the following:

1. Any spray adjuvant.
2. Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment.

Wildlife Means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.

Pesticide/Wildlife Incident Response Plan Agreement

The Pesticide/Wildlife Incident Response Plan shall become effective upon the date of final signature and shall continue in effect until modified by the mutual written consent of the parties or until terminated by any party upon a 30-day advance written notice to the other parties.

CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS ASSOCIATION

original signed by

04/14/2000

Mr. Eric Lauritzen, President
California Agricultural Commissioners and
Sealers Association

Date

DEPARTMENT OF FISH AND GAME

original signed by

05/12/2000

Mr. Robert C. Hight, Director
Department of Fish and Game

Date

DEPARTMENT OF PESTICIDE REGULATION

original signed by

04/13/2000

Mr. Paul E. Helliker, Director
Department of Pesticide Regulation

Date